

REMARKS

Claims 1-4, as amended, remain herein.

1. Claims 1-4 were rejected under 35 U.S.C. 102(e) over Busch U.S. Patent Application Publication 2004/0004019. Busch discloses a medical container having a main instrument portion and a separately-sealed medicinal liquid portion that fits inside the main instrument portion.

Busch fails to disclose a medical kit wherein a first covering material of a medicinal solution container does not overlap a second covering material of a medical instrument housing container, as recited in applicants' amended claims 1-4. Rather, the medicinal solution container in Busch is inside the instrument housing container, underneath the covering material of the instrument housing container.

Busch further fails to disclose a medical kit in which the medicinal solution housing container is removeably attached to the medical instrument housing portion, such that the medicinal solution housing container can be detached from the medicinal instrument housing portion without removing the second covering material from the medicinal solution housing container, as recited in applicants' amended claims 1-4.

Since Busch fails to disclose every element of applicants' claims 1-4, Busch is an inadequate grounds for rejecting claims 1-4 under 35 U.S.C. 102(e). Reconsideration and withdrawal of the rejection are respectfully requested.

Nor would it have been obvious to one of ordinary skill in the art to modify Busch to render applicants' claims 1-4 obvious. Busch discloses a medical kit for epidural anesthesia, so that the elements of the kit can be removed in the order needed to perform

epidural anesthesia. Since the medical solution in an epidural procedure is not needed until after the skin preparation package 28, towel 30, and drape 58 are removed from the kit, one of ordinary skill in the art would not place the medical solution in a separately removeable compartment.

Another advantage of the medical kit according to claims 1-4 is that instruments in the medical instrument housing portion can be sterilized and handled without a danger of breaking the seal on the medicinal solution container, because the medicinal solution container is separable from and sealed separately from the medical instrument housing container. Busch fails to disclose any such advantage.

Serial No.: 10/571,993

For the foregoing reasons, all claims 1-4 are now fully in condition for allowance, which is respectfully requested. The PTO is hereby authorized to charge or credit any necessary fees to Deposit Account No. 19-4293. Should the Examiner deem that any further amendments would be desirable in placing this application in even better condition for issue, he is invited to telephone Applicant's undersigned representative.

Respectfully submitted,

STEPTOE & JOHNSON LLP



---

Roger W. Parkhurst

Reg. No. 25,177

Adam C. Ellsworth

Reg. No. 55,152

Date: March 17, 2008

Attorney Docket No.: 29336.0002

STEPTOE & JOHNSON LLP

1330 Connecticut Ave., N.W.

Washington, D.C. 20036

Tel: (202) 429-3000

Fax: (202) 429-3902